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ABSTRACT

Journalists and other investigators are daily using declassified government documents to shed light on historical and current events, but few have discovered how to tap the wealth of documents once classified but now in the public realm. An executive order from President Reagan eliminating declassification procedures and allowing released documents to be reclassified makes it more likely that documents will remain classified. The Freedom of Information Act (FOIA) has provided access to many documents, although the National Security Administration is virtually excluded from the FOIA. Filing an FOIA request is an "action-producing" mechanism that forces an agency to act upon a request within 10 working days, but it also helps to know one of three key people in an agency: an archivist, an agency librarian, or a records manager. The key source of declassified materials is the National Archives and Records Service, with its 11 archives libraries. Declassified materials may also be found at the Washington National Records Center and in presidential libraries throughout the country. The Carrollton Press system, in Connecticut, contains declassified documents originating from the CIA, the State Department, and various branches of the Defense Department. Access to classifed and declassified documents varies markedly among agencies. A computer data bank with information on which documents from which agencies have been declassified could be a substantial help in answering the backlog of requests for information. (HTH)

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DECLASSIFIED DOCUMENTS

FREEDOM OF INFORMATION CENTER REPORT NO. 468

This report was written by Karen M. Brown, an M.A. graduate of the University of Missouri School of Journalism.

James Bamford, author of the bestselling **The Puzzle Palace**, used thousands of pages of declassified documents to explore what is probably the most secret agency within the U.S. government — the National Security Agency.[1]

William Shawcross, author of **Sideshow**, used declassified documents to reveal the role of President Richard Nixon and Secretary of State Henry Kissinger in the secret bombing of Cambodia.[2]

Newsweek writer David Martin used documents declassified by the CIA to trace the agency's construction of a 500-yard tunnel from West Berlin to East Berlin to tap East German telephone lines.[3]

Journalists and other investigators are daily using declassified documents to shed light on historical and current events.

The use of declassified documents varies with reportorial techniques. Whereas Bamford used documents for background information before he began interviewing for his book, Martin says he often learned about documents from his interviews. "If I had to give up one thing — interviews or declassified documents — I'd give up the documents," Martin says.

Nevertheless, Martin used declassified documents to great effect in his 1980 book **Wilderness of Mirrors**. "There is an authenticity or validity to a document that no interview can provide," he explains. "In many cases it's just a bogus authenticity; somebody can sit down and write a memo chock full of half truths. But they were the half truths of the moment at the time the thing was written."[4]

Most investigative journalists use documents extensively, but few have discovered how to tap the wealth of documents once classified but now in the public realm.

ON CLASSIFICATION AND DECLASSIFICATION

Classification is secrecy, which is not a new phenomenon. In America it has been practiced at least since 1787, when the founding fathers drafting the Constitution met in secret.[5] Today, classification is the common practice of assigning a secret status — such as "top secret," "secret," or "confidential" — to government records.

National security has been a central underpinning of classification since the mid 1930s when Army instructions on the application of secrecy markings seemed to embrace foreign policy material and what might be called "political" data.[6]

Since 1940 and the administration of Franklin Roosevelt, executive orders have prescribed security classification policy and procedures.

Executive Order #11652, signed by President Nixon in 1971, was the forerunner of present-day procedures. For the first time, a private citizen could have national security information reviewed to determine if continued classification were warranted. Documents exempted from automatic declassification were to be subject to mandatory review after 10 years.[7]

Executive Order #12065, signed by President Jimmy Carter in 1978, was the first to require a balancing of the public's interest in disclosure against national security concerns. The balancing test was to take place only when a declassification request was made, however. Yet, for the first time, declassification was given equal emphasis with classification.[8]

Under the Carter order, if declassification did not receive such equal emphasis, the Information Security Oversight Office could determine the reason for such unequal treatment. Situated within the General Services Administration, the ISOO's task was to monitor implementation of the executive order.[9]

Then President Ronald Reagan changed the rules of the

Summary

Declassified documents can shed much light on historical and current events. This report discusses the use of such documents by journalists, historians, and other investigators.

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classification game. Harold Relyea, a specialist in government information policy, says an "unscrupulous" aspect of President Reagan's Executive Order #12356 is the absence of such concern for the declassification of documents. There is no declassification schedule for government documents. Agencies are no longer required to undertake a systematic review of documents for declassification as they reach a particular age.[10]

"In effect, material can sit classified in perpetuity," says Relyea, who works for the Congressional Research Service and has been called the experts' expert on FOIA. "Unless someone comes along and asks for mandatory declassification or asks for the documents under the FOIA . . . they will sit there forever. And, if they're the slightest bit sensitive or there is any reason why the agency does not want to send them to the (National) Archives, there they will be. Who in the devil will ever know that they are there?" Relyea queries.[11]

Under the Reagan order, which was signed April 2, 1982, and took effect Aug. 1, information is classified "top secret," "secret," or "confidential" under any of 10 categories. If there is any doubt about the appropriate level of classification, information is to be safeguarded at the higher level pending review.

The order eliminates the need to balance the public interest in disclosure against the possibility of damage to national security when a document is initially classified. The order entails the presumption that intelligence sources and methods are classified when they are not otherwise sensitive. And officials may reclassify information after it has been released.[12]

In an August 12, 1982, report about Reagan's order, the House Committee on Government Operations said "virtually all of the controversial provisions of Executive Order 12356 were already in place before a draft was released for review by anyone outside the executive branch."[13]

Information can now be declassified three ways: by systematic review, by mandatory review, or under the FOIA. Systematic review has stopped under the Reagan administration in all but a few major agencies — the State Department, Joint Chiefs of Staff, National Security Agency and Department of the Army.[14] Primary responsibility for systematic review of documents for declassification has been left with the National Archives and Records Service.[15]

Steven Garfinkel, director of the ISOO, says, "Under 12356 we have largely gone back to what the system was under #11652 (Nixon's order) — a 30-year rule and systematic review to be done at the archives."[16]

Allan R. Adler, counsel for the Center for National Security Studies, a private, non-profit organization based in Washington, D.C., says, "What's classified remains classified. There are no broad lines being drawn to indicate to a scholar, journalist or scientist, or anyone else, when he can anticipate when material will be declassified."[17]

Mandatory review originated with the Nixon order and allows a person to request that information be declassified. Under the Carter order, although the procedure was criticized as slow and often frustrating, a significant number of such requests resulted in the release of information, says the House Committee on Government Operations.

The Reagan order continues the mandatory review program, but with significant changes. It limits requests to U.S. citizens, permanent resident aliens, federal agencies, and state and local governments. The order also requires that requesters identify the document they want, not necessarily by date or title, but with "sufficient specificity to enable the agency to locate it with a reasonable amount of effort."

Agencies are to make a final determination on the request within a year of receipt, "except in unusual circumstances." When information cannot be fully released, agencies are to make reasonable efforts to release coherent segments. Requesters' appeals must be filed within 60 days of receipt of the denial.[18]

Mandatory review differs from procedures used under the FOIA. It frequently is used by historians and other investigators seeking access to information contained in presidential libraries — information that often is generated by a president rather than a federal agency, and therefore is not subject to the FOIA.[19] Mandatory review is not the method used for the release of unclassified or declassified documents.

The ISOO's 1980-1981 report — the latest available — says that in fiscal year 1980 agencies acted on 2,136 mandatory review requests — 1,150 more than the year before — and declassified in whole or in part information in 90 percent of them. Ten percent of the requests were denied, which the ISOO says is the lowest figure since mandatory review began in 1972.[20] That was when the Interagency Classification Review Committee, which preceded the ISOO, began collecting such statistics.

DECLASSIFICATION AND THE FOIA

The FOIA has provided material for hundreds of books and news articles despite a Justice Department claim that the act is overrated and has not resulted in the release of much valuable information.[21]

Investigators requesting documents under the FOIA need not specify the document by exact title or number, but must identify their request as accurately as possible.[22] Whether requests for classified or declassified documents are made under mandatory review or FOIA procedures, they invariably are handled by the same department within agencies — the freedom of information-privacy section of each agency's information management center.

Kathy Siljegovic is an FOI case officer in the State Department's Foreign Affairs Information Management Center. She says the section received more than 4,600 requests for information in 1981, including many broadly worded ones. Not all such broad requests are processed, though. For example, a request for "everything you have on Cuba" would be refused, she says.[23]

Author James Bamford says gaining access to declassified documents was easier than seeking them under the FOIA. That was because the National Security Agency — the subject of his book — is virtually excluded from the FOIA under Public Law 8636. "What I had to do was find a way around that law," Bamford says. "I discovered that NSA had put out a thing called the NSA Newsletter every year since 1952."[24]

The author says that if he had requested the newsletter — which was unclassified — from NSA under the FOIA, he would have been turned down because of the section of Public Law 8636 that says "Nothing in this Act or any other law . . . shall be construed to require the disclosure of the or-

ganization or any function of the National Security Agency, of any information with respect to the activities thereof, or the names, titles, salaries, or number of the persons employed by such Agency."[27]

Bamford says the newsletter, by mistake, carried the provision that its contents were available only to NSA employees and their families. "I argued in my FOI case that they had already opened the newsletters up to the public and that I was as qualified as somebody's relative to read the newsletters."

Bamford says the NSA agreed to release all 6,000 pages of its newsletters after it had deleted names and faces. But, he says, "they made enough mistakes in doing this that I had pretty much all the information I wanted." Apparently, NSA deleted names from headlines but often forgot to remove them from the accompanying text.

To prevent him from seeing additional newsletters under the FOIA, Bamford says Dan Schwartz, former NSA general counsel, contacted him to ask if the request could be settled out of court. Already having obtained what he wanted, Bamford agreed.

He said he would relinquish any further rights he had to see the newsletters on the condition that the agency give him a complete list of all 40 top NSA officials for the period 1975 to 1980. Bamford wanted the list because "I didn't have the whole structure of the internal workings of the NSA."

The deal was made. But after that arrangement was made, Bamford again began applying under the FOIA for the newsletters. "They (NSA) more or less threw up their hands and sent me the newsletters without deleting anything. I more or less had my cake and ate it too," he says.[26]

That was not the only tussle Bamford had with an agency over information he obtained through the FOIA. Another involved a top secret Justice Department report, dated June 30, 1976, on CIA-related electronic surveillance activities. The report dealt with the first criminal investigation into the intelligence community.

Bamford got the sanitized document in July 1979 and included it in his book. Two years later the department, now under the authority of the Reagan administration, asked that the report be returned. The department is still seeking its return, Bamford says.

The Reagan executive order gives agencies authority to reclassify information.[27] Bamford argues that he had the report before the order took effect and that the order applies only to the executive branch and not, therefore, to him.

Relyea views the filing an FOIA request as an "action-forcing mechanism" that forces an agency to act upon a request within 10 working days of receiving it. Relyea stresses the importance of investigators knowing "one, a friendly archivist; two, a friendly agency librarian; or three, a friendly or helpful records manager within a given agency. These are the three key people."[28]

WHERE DECLASSIFIED DOCUMENTS CAN BE FOUND

Declassified documents are held in several locations and treated in a variety of ways. Says Relyea: "It's like an umbrella. The top of the umbrella is the executive order and the spokes are the (ISOO) implementing directives. After that, for as many people as can stand under the umbrella, you can have divergencies in implementing the order itself."

Browsing for declassified documents rather than requesting specific information yields little useful material, sources agree, because none of the agencies handling declassified documents process general requests.[29]

The key source for declassified materials is the National Archives and Records Service, with its 11 Archives Libraries, which usually are located at NARS Records Centers, presidential libraries and at the agency that originally classified the requested information.

NARS branches hold valuable records that mainly are of regional interest. They are located at: Boston branch — 380 Trapelo Road, Waltham, Mass. 02154, (617) 223-2657; New York: Building 22-MOT Bayonne, Bayonne, N.J. 07002, (201) 858-7245; Philadelphia: 5000 Wissahickon Ave, East Point, Pa. 30344, (404) 763-7477; Chicago: 7358 S. Pulaski Road, Chicago, Ill. 60629, (312) 353-0161; Kansas City: 2306 East Bannister Road, Kansas City, Mo. 64131, (816) 926-7271; Fort Worth: 4900 Hemphill St. (P.O. Box 6216), Fort Worth, Texas 76115, (817) 334-5515; Denver: Building 48, Denver Federal Center, Denver, Colo. 80225, (303) 234-5271; San Francisco: 1000 Commodore Drive, San Bruno, Calif. 92677, (714) 831-4220; and Seattle: 6125 Sand Point Way N.E., Seattle, Wash. 98115, (206) 442-4502.[30]

In addition to the records branches, declassified materials may be found at the Washington National Records Center in Suitland, Md. Primarily a depository of records whose final disposition has not yet been determined, the center also stores approximately 375,000 cubic feet of permanent archival records. It is administered by NARS.[31]

NARS houses approximately three billion permanently valuable documents at its regional branches and at its building on Pennsylvania Avenue in Washington, D.C. The decision about what records are permanently valuable is jointly made by agencies and the archives, although the Archivist of the U.S., Robert M. Warner, has ultimate responsibility.[32]

The archives may accession records — that is, take legal and physical possession of them — at any time if they are not active files. The head of NARS Declassification operations, Edwin A. Thompson, says the United States is the only country where its national archives takes possession of documents whether or not they are sensitive. "We don't wait until a sensitivity review has been conducted before we take custody," he says.[33]

Jill Merrill, NARS public affairs officer, says permanently valuable documents total between one and three percent of all federal government records. Seventy percent of that total is declassified and available to researchers, she says.[34]

Thompson says the archives has declassified approximately 800 million document pages since the Records Declassification Division was established under the Nixon order in 1972. At that time, the division was given primary responsibility for the systematic review of security-classified material accessioned to the archives.

Unlike other agencies, NARS does not have to wait for the 30-year mark required under the Federal Records Act of 1949 to make their inactive records available to the public. But not all 30-year-old records are yet at the archives. And accessions are as many as 40 years behind schedule for some major agencies.[35]

Merrill cited budget cuts at NARS as the principal culprit for the delay. The agency received $61 million in fiscal year

1982, a figure $7 million less than the previous year's appropriation.[36] One of the consequences of the reduced budget has been a 20 percent reduction in NARS personnel since October 1981. The declassification staff has fallen from 100 in February 1982 to only 25.[37]

NARS is no longer conducting systematic review, except for a joint project with the State Department. The project is a review of department records from 1950 to 1954.[38]

Thompson says NARS is trying to declassify "on demand." Holdings awaiting review include material from World War II and post-war material not yet received from the CIA, National Security Agency and the National Security Council.

Declassified documents of interest to researchers also are located in the diplomatic, scientific and modern military branches of NARS' main building in Washington D.C.

Washington **Post** writer Thomas O'Toole says he learns about documents held by NARS through personal sources among NARS employees. "I don't go over there fishing, but I do depend on them to tip me off and to find the document," he says. "It means trudging over there and going through all the documents they have on a subject. There's no easy way . . . ."[39]

There is at least one excellent method for finding documents in NARS' modern military branch that many investigators — both American and foreign — have discovered. In the words of Thomas F. Troy, former CIA employee, they "go see John Taylor."[40]

Troy is now editor of the Foreign Intelligence Literary Scene, a bimonthly newsletter published since 1982 by Maryland-based University Publications of America. Troy says his 12-page newsletter is an effort to keep tabs on developments in counter-intelligence, subversive operations and terrorism.[41]

In a recent FILS newsletter article titled **Researchers Find Intelligence Gold in the National Archives**, Troy wrote: "Washington **Post** reporter Thomas O'Toole once walked into the National Archives in Washington and asked archivist John Taylor: 'If you were doing a story for the **Post** today, what would you write about?' " Taylor's response, says Troy, was "the Spanish Spy Story, (which) gave O'Toole a front-page story with eight-column headline on a World War II Japanese spy ring targeted on the U.S. embassy in Madrid."

The incident, Troy says, illustrates the importance of NARS to the growing number of researchers and authors using intelligence records.

James Bamford, author of **The Puzzle Palace**, is one of many writers Taylor has helped. Bamford spent about 20 days at NARS going through two major collections of records held at the modern military branch. One was a collection of records from the Joint Chiefs of Staff, the other of National Security Agency records.[42] Using NARS was the easiest part of his three-year-long research, Bamford says: "I just found out the part of the archives that held most of the documents dealing with cryptology" — codes.

That was the modern military branch where Taylor works. The branch has records covering 15 areas of interest. They are: American expeditionary forces — World War I; military intelligence — World War I; military intelligence between the wars; Joint Chiefs of Staff, 1942 to 1945; operations division of the War Department, 1942 to 1945; plans and operations, 1946 to 1950; National Security Council, 1947 to 1960s; war crimes trials — Nuremberg and the Far East; World War II MAGIC and ULTRA intercepts; Office of Strategic Services, 1941 to 1946; economic and manpower mobilization and civil defense records of the War Production Board and the National Security Resources Board; pre-World War II Army ordnance records; U.S. Strategic Bombing Survey — Germany and Japan; World War II records from the U.S. Air Force; and some seized Japanese records.

All documents held by NARS belong to a "record group," of which there are more than 400. To find out which record group documents are contained in, investigators should consult the **List of Record Groups of the National Archives and Records Service**, available free from the NARS.

Taylor says investigators may approach NARS without knowing the record group they are interested in. His modern military branch will give investigators copies of indexes compiled and released monthly by NSA — the only agency that makes up such a list.[43]

The branch also keeps its own list of the classified and declassified records accessioned to NARS by the Joint Chiefs of Staff. NARS releases lists covering JCS records from 1942 to 1945 and from 1946 to 1947, as well as separate lists for each year from 1950 to 1959.[44]

One of the branch's collections attracting the most public interest, Taylor says, is the one housing Office of Strategic Services records. Established in 1942, the OSS was the forerunner of the CIA. Held in record group #226, the OSS records include intelligence reports from countries around the world. The collection features abstracts of declassified documents that note the length, date and file number of each document. The abstracts are organized by about 900,000 index cards arranged by title of country.

Other aids for investigators offered by NARS include the **Guide to Records in the National Archives** and **News From the Archives**, a 30-page quarterly publication containing information on accessions, recent declassifications and other openings of documents. The declassification information in the **News** is reprinted in the section on declassified records in **Prologue**, the NARS quarterly journal.[45]

However, that section is not a comprehensive list of all the documents being declassified. Thompson has such a list — a computer printout — but it is not available to the public.[46] Information recorded on Thompson's list is the declassification project number; type of record; record group; which unit of the archives has custody of the record; when review was completed; the length of the record; the length declassified; the amount classified; the amount declassified; and the total number of pages.

Historian Anna F. Nelson, history professor at George Washington University in Washington, D.C., says knowing what is declassified and where to get it is nevertheless difficult. "And that's why it's particularly hard on journalists; it's hard enough on us," she says. Journalists and historians should work together more often, she suggests: "What journalists ought to do is exploit the historians who deal in more contemporary history, let them do the investigative work . . . and let the journalists write the article."[47]

Taylor, however, says that investigators have a greater need to increase their cooperation with archivists, not historians: "If they (investigators) depend on an historian in the academic world writing about documents five years from now, it will be too late for the current news."[48]

NARS Declassification Chief Edwin Thompson says the

limited time and background available to most journalists who use the NARS archives hinders their understanding of declassified documents. "It takes quantities of time and a lot of effort to put together the impact, meaning and context (of individual documents)," he explains. "Most journalists are impatient, they want the story to be told and they'd like it to be in the document in front of them. Real users of records can only see value in large masses. You can only really evaluate when you have a bigger picture."[49]

Washington **Post** writer O'Toole disagrees. He says journalists do not have to be historians to make sense of records: "If you read a lot and understand a lot of the background, you can understand what the documents are telling you," he asserts. "But you have to read a lot, you have to risk going blind . . . ."[50]

PRESIDENTIAL LIBRARIES

"There are no bodies of papers in modern America that have more value, more research potential, that are a greater documentary treasure to this country than the presidential papers," says James Rhoads, former U.S. Archivist.[51]

Yet, the wealth of information available in presidential libraries has been virtually ignored by journalists. That state of affairs may be changing, say the editors at Carrollton Press Inc., who have built a business out of obtaining and publishing declassified documents.

Presidential libraries are historian Anna K. Nelson's primary source of information. She obtains the material mainly through mandatory review requests. Nelson notes that the Lyndon Johnson Library (Austin, Texas 78705) contains especially interesting oral history transcripts.[52]

The other presidential libraries are the Herbert Hoover Presidential Library at West Branch, Iowa 52358; Franklin D. Roosevelt Library, Hyde Park, N.Y. 12538; Harry S Truman Library, Independence, Mo. 64050; Dwight D. Eisenhower Library, Abilene, Kan. 67410; the John F. Kennedy Library, Boston, Mass. 02125, and the Gerald R. Ford Library, Ann Arbor, Mich., 48109. A Carter Library is being built in Atlanta, Ga., and the debate about where to locate a Nixon library continues.[53]

The libraries are government agencies authorized by the Presidential Libraries Act of 1955 and administered by the General Services Administration through NARS. Akin to the variety of ways in which other agencies handle documents, presidential libraries also are heterogenous in the nature of their holdings and the availability of their materials.[54]

The Eisenhower library, for example, has documents ranging from correspondence between foreign leaders and summaries of National Security Council discussions, to internal White House memos and minutes of Cabinet meetings and legislative briefings. Of about 19 million pages of documents, approximately 500,000 are classified and 200,000 declassified, says David Haight, an archivist at the library. About 18 million pages are unclassified.

The Eisenhower Library has been declassifying documents since the early 1970s. Predictably, mandatory review constitutes the bulk of its declassification work. Haight says that from December 1978 to July 1982, the library received more than 1,770 requests for mandatory review. It spent 9,469 work hours on the task and declassified a total of 12,94[illegible] documents. It sanitized — removed the sensitive sections of — 7,702 documents and denied acess to 6,300 documents.

The library's systematic review activity is "highly limited," Haight says. The problem, he says, is a lack of guidelines from agencies about what they will allow to be released. The libraries cannot declassify documents that originated in other agencies — even if a president donated the documents — until those agencies approve them for release. For example, of the 2,000 pages of FBI documents reviewed by the library, the FBI agreed to release only 200, Haight says.

Public requests can be processed by the Eisenhower Library within three weeks, but may take up to nine months to clear an agency. Haight says the library had a backlog of 770 such cases pending at the end of June. Of those, 170 cases were at least two years old. The library has four declassifiers.[55]

Historian Nelson says presidential libraries ease the burden of research, but she criticizes the system whereby agencies must approve the release of documents declassified by libraries. "There's no way for a journalist or anyone else to know what the government has declassified," Nelson continues. "The government itself doesn't know. There are documents that are closed in one presidential library that will be open in another, and documents that will have a name blacked out when they come from State (Department), but the name will be open in the presidential library. There is no consistency and no way of knowing unless you use the Carrollton Press service."[56]

Before visiting a library, investigators should write in advance, stating their research interests and requesting a list of the library's holdings.[57] Once at the library, researchers may look through boxes of information arranged by series and collection. White withdrawal sheets in folders indicate where classified information has been removed. Pink sheets give details about the classified documents. They list the type of document; whom the correspondence was between; the number of pages; classification level; date; and sometimes a general description of the subject matter.[58] The pink sheets are a bone of contention with the agencies, which complain that they sometimes are too specific and thus breach security.

CARROLLTON PRESS

"In December 1976," **Parade** magazine reported, "a man in a shapeless gray suit entered a suburban building within sight of the nation's capital. In an office on the ninth floor he peeled $2,000 from a thick roll of bills and left carrying a cardboard box. In it were thousands of microfilmed documents marked "Secret" and "Top Secret." The man was an official of the Soviet Embassy. The ninth-floor office belonged to the Carrollton Press Inc. And the transaction was completely legitimate . . . ."[59]

The office mentioned was at 1911 Fort Myer Drive, Arlington, Va., the former home of the Declassified Documents Reference System of Carrollton Press. In December, the operation moved to Research Publications, 12 Lunar Drive, Woodbridge, Conn. 06525.[60] The move was part of an overall re-evaluation of the system and its future. Elizabeth Jones, managing editor, says the 1982 collection will be published, but the format may change after that.

The Carrollton system was founded by Walter Buchanan,

a former CIA officer who left the CIA in 1957 and began the press in 1967. In 1974 Congress overhauled the FOIA. Suddently, there were thousands of documents being declassified. "I knew," Buchanan says, "that there was no way for scholars, libraries, or ordinary citizens to find out which documents were available. Nobody in the government even knew."[61]

The Carrollton system contains more than 20,000 declassified documents originating primarily in the CIA, the State Department, and in various offices of the Defense Department. The documents are abstracted, indexed and offered for sale on microfiche.

Excluded from the collection are documents declassified automatically in bulk following expiration of the 30-year-rule; documents already widely disseminated, such as parts of the Pentagon Papers; and documents Carrollton believes are of marginal interest.[62]

The editors say they get the bulk of their information through arrangements with presidential libraries. Like historians, the editors find it easier to get documents from the libraries than from agencies.

Managing Editor Jones says the libraries send them lists of classification actions. By looking at such labels as — Declassified 3/23/81; 5/30/63; Disto 1361 (Geneva); two pages — acquisitions editor Michael Davis knows the particular document was classified, that it is two pages long, is not sanitized, originated in Geneva, and was written in May 1963.

The two editors say they buy everything they can get from presidential libraries. Carrollton subscribers pay $725 for an annual subscription to the abstracts, indexes and microfiche, $375 for abstracts and indexes only, and $6,600 for the complete 1975 to 1981 collection.[63]

But the Carrollton collection is incomplete. The editors are the first to admit it: "The big failure of our system is that it's not more complete, but it's because of deficiencies within the government more than anything," Elizabeth Jones says.

The expense and time involved in making FOIA requests, many of which are rejected as too general, is another reason for holes in the collection, the editors say. "Our problem to a certain extent is, sure, we can get more (documents), but we can't afford it and we couldn't publish it," Davis says. The editors complain about access to documents at some federal agencies, particularly the State Department. "Sometimes you can't even see what's declassified, let alone something classified," Jones says. "You don't even have access to what should be in the public domain. Agencies don't know what they declassify, so how can anyone else know? If reporters are not making their own line of inquiry, they don't know what's coming out."[64]

THE AGENCIES

Access to classified and declassified documents varies markedly among agencies. The State Department receives a substantial number of requests each year and takes the brunt of criticism concerning access to information.

In 1982 — the most recent year for which figures are available — the department received 4,652 requests for information, says a State Department **Analysis of Personnel Costs and Effort Contributed to Answering the Public's Information Requests for Calendar Year 1981.**[65] That was an 18 percent increase over the 3,941 requests filed in 1980. Forty-seven percent of the 1981 requests were made under the FOIA; 23 percent under the Privacy Act of 1974, which investigators can use to gain information, but usually only about themselves; and 25 percent under President Carter's executive order and systematic review. Congress, the courts and the Ethics in Government Act accounted for the remaining 5 percent of requests.

The analysis says the requests filed under executive order "are primarily (forwarded) from presidential libraries and other agencies which are systematically reviewing documents for declassification."

The largest proportion (29 percent) of FOIA requests came from law firms. Twenty-two percent came from the general public, 20 percent from historians and students, and 7 percent from journalists.

Of the total requests received in 1981, about 94 percent were completed that year, the analysis says. The analysis attributes that completion rate to the "higher productivity of the (information access) program (that) resulted from management initiatives, and faster turnaround time in the Central Declassification Center due to an increase in the number of persons authorized to sign/release denial records from two to five."

Nevertheless, the backlog of pending requests remained between 2,500 and 3,000 during 1981, the analysis notes. That figure now is likely to be higher because many agencies with which the department will have to discuss declassification have ceased systematic review. Whether agencies review their own documents for declassification is now "purely their own volition," Thompson says.[66]

The State Department is still systematically reviewing documents for declassification, FOI case officer Siljegovic says: "We don't have to, but because of the volume of material we have here we feel it's a good way to get rid of the stuff."[67]

In effect, the department does have to declassify records if it is to continue publishing **Foreign Relations of the U.S.** The annual volume of documents, which appeared for the first time in 1861 as **Papers Relating to Foreign Affairs**, is an important source of information. It is complete through 1949.

Siljegovic says all of the department's records prior to 1950 have been referred to the archives. Records from the 1950 to 1954 period are in the process of being transferred; NARS is reviewing them to see what can be declassified. Investigators who want post-1954 records must file an FOIA request with the agency whether the records are classified, declassified, or unclassified.

Virtually the only State Department declassified documents an investigator can obtain immediately without asking are those in **Foreign Relations of the U.S.**

Since January 1982, all requests for State Department information have been handled by its computerized Information Request Management System (INFORM). The system tracks the status of all requests and provides statistics on requests satisfied, declassified documents released, workloads and backlogs, and the sources and types of information released. The system provides a central reference to official department documents that have been declassified, downgraded, upgraded or denied release.[68]

A computer printout for internal department use gives only the name and number of a requester by subject. Case

workers must go back to the files for the subject to find a list of the documents that have been declassified on that subject. Eventually, the department hopes to be able to call up a particular subject on the computer and obtain a complete list of all the documents declassified on that subject.

The department will produce a list of the declassified documents on a particular subject for a requester who may then go to the department and decide which of the documents he or she wants.[69] But the department will not release its computer printout of documents requested. "That list is not given to the public because there may be classified information in describing the document," Siljegovic says.

Government information specialist Relyea says that where there are such records — computer printouts of all the documents an agency has declassified in a certain period of time — investigators may apply to see them under the FOIA.[70] "If a document is generated that shows that (specific information), you are home free," he says. If the information sought is not in record format, however, it probably will be unattainable.

Relyea says a "compartmentalized approach" by the intelligence agencies often means there is no unified list. "If you're in the intelligence community at all, superimposed over the top of security classification is what they call the compartmentalization approach," he says. "That is that those over here in compartment 'A' don't know what those folks over in compartment 'B' are doing. So they may be generating the same documents, but the poor records manager in the CIA, for example, doesn't know."

Members of the public who want to see the documents are often in the dark, too, says historian Nelson.The State Department's interpretation of the Privacy Act, for example, means it will not release details of what has been requested. "You have to ask yourself why," Nelson says. "And it's hard not to feel a conspiracy reason; that the agencies don't want people to have that good an access. If you send one document to one historian and another to another historian, they may not be able to put it all together . . . ."[71]

The Information Security Oversight Office, whose job it is to check on how agencies implement the executive order on national security, does not concern itself with access to declassified documents. "Once they're declassified, there may be a lot of people that are interested in them, but they're outside our bailiwick," says Steven Garfinkel, ISOO director.[72] "Our job is to oversee the entire information security program, and to do that with a staff that never seems to exceed 15 people. You're largely relying on agencies to oversee themselves, and you oversee their oversight. We police the policemen."

Ten years ago a State Department historian, William H. Franklin, said he could forsee the day when the department would issue periodic lists of documents unclasssified and declassified from which people could pick items and obtain copies.[73] It has not yet happened, and historian Nelson doubts that it will. "I think they are fearful that if they publish these lists there will be true access," she says. "Nobody's ever given me a better explanation."

According to the Carrollton editors, the Department of Defense is the only agency with a list of requests for declassified documents that it updates and issues quarterly. The list comes from the Office of the Secretary of Defense for Public Affairs. Carrollton editor Jones says the list is the one quick way she gains access to Defense Department documents: "So the crucial thing is (that) you can get a handle on what State, which is otherwise totally inaccessible, is declassifying."[74]

General public access to information at the agencies is difficult, Relyea adds: "I think a military historian could come to grips pretty quickly with what they're after. But to the uninitiated, particularly someone (who is) not used to using primary documents — I'm thinking of a journalist — it would drive you crazy in the sense of where do you begin tracking it down?"

Relyea says reporters have sources to help them. "The person who would really suffer would be your average citizen, or the amateur historian, or somebody who has no clout . . . ."[75]

COMPUTERS: THE SOLUTION?

ISOO Director Steven Garfinkel says that last year that office began, but never completed, a study of whether federal agencies could keep a computerized data base — similar to the State Department's INFORM system — containing all classified reports.

ISOO abandoned the study because of the discrepancies it found between and within agencies in their use of computers."There is no standard computer system in the government," Garfinkel says. "Not only will one agency have one computer and another agency another computer, but I might have a computer here and two doors down the hall there will be a different one. They're not compatible and there are so many problems."

A major problem, Garfinkel says, is computer security: "There would be concern about having lots of classified information in computer systems. . . computer security lags way behind the state of the art . . . ."

Nevertheless, Garfinkel concedes, classified and declassified documents themselves need not be put into the computer, just information about the documents: "If you know what has been classified and what has been declassified, that would be tremendous (for researchers)."[76]

Relyea says sees the day when there will be computer capability in urban and university libraries with an index of major government documents. "It would be plugged into the superintendent of documents at the Government Printing Office, just like any other card system, and you would be able to punch in key words and out would roll all kinds of government documents (that are) available. Among them might be recently declassified material."[77]

But James E. O'Neill, assistant archivist for the presidential libraries, doubts there ever will be a system acceptable to all. "The problems involved are not simple ones, and they are not susceptible to simple solutions," he insists. "Instant access to all records is a chimera. It is no more likely than the bureaucrats' dream of a world without journalists or historians."[78]

Whatever the method, some means of improved access to declassified documents is imperative, sources say, especially as more information is likely to be classified and remain classified under President Reagan's executive order. "If we run along for a few more years under this current executive order, we're going to have to all be interested in declassified documents, because that's the only kind of documents there will be," Relyea concludes.[79]

FOOTNOTES

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